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FILED

Counsel for Defendant FEATHERS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

No. CR 14-0531 RMW

Plaintiff,

**STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
[] ORDER**

v.

MARK FEATHERS,

Honorable Ronald M. Whyte

Defendant.

Defendant Mark Feathers and the government, through their respective counsel, hereby stipulate that, subject to the Court's approval, the status hearing in the above-captioned matter, presently scheduled for Monday, March 30, 2015 at 9:00 a.m., be continued to Monday, April 20, 2015, at 9:00 a.m. The continuance is requested because undersigned defense counsel has recently substituted into the case and is not available on March 30. Accordingly, the delay is requested for continuity of counsel and to allow effective preparation of counsel.

For the Court's information, undersigned defense counsel will be acting as counsel of record until approximately mid-June, at which time the matter will be reassigned within the Federal Public Defender's Office to an attorney who will be joining the office, and undersigned counsel will

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[] ORDER
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1 continue on the case in a research capacity. The Federal Public Defender's Office does not
2 anticipate that these staffing issues will disrupt the defense's preparation of the case.

3 The parties further agree that time should be excluded under the Speedy Trial Act because
4 the ends of justice served by granting the requested continuance outweigh the interest of the public
5 and the defendant in a speedy trial. The failure to grant the requested continuance would deny
6 defense counsel reasonable time necessary for effective preparation of counsel and continuity of
7 counsel, taking into account the exercise of due diligence, and would result in a miscarriage of
8 justice. The parties therefore stipulate that this exclusion of time should be made under 18 U.S.C.
9 §§ 3161(h)(7)(A) and (B)(iv).

10
11 Dated: 3/25/15

_____/s/_____
LARA S. VINNARD
Counsel for Mark Feathers

12
13 Dated: 3/25/15

_____/s/_____
TIMOTHY LUCEY
Assistant United States Attorney

14
15
16 **[] ORDER**

17 The parties have jointly requested a continuance of the hearing set for Monday, March 30,
18 2015, for continuity of counsel in light of a recent substitution of defense counsel. GOOD CAUSE
19 APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for Monday, March
20 30, 2015 at 9:00 a.m., is continued to Monday, April 20, 2015, at 9:00 a.m.

21 For good cause shown, the Court HEREBY ORDERS that time be excluded under the
22 Speedy Trial Act from March 30, 2015 to April 20, 2015. The Court finds, based on the
23 aforementioned reasons, that the ends of justice served by granting the requested continuance
24 outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the
25 requested continuance would deny the parties continuity of counsel and would deny defense counsel
26

1 reasonable time necessary for effective preparation, taking into account the exercise of due
2 diligence, and would result in a miscarriage of justice. The Court therefore concludes that this
3 exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

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5 Dated: ~~Feb 27~~


RONALD M. WHYTE
United States District Judge